

**TOWN OF BIG FLATS
ZONING BOARD OF APPEALS
MEETING MINUTES**

SEPTEMBER 27, 2016

Town Hall
Meeting Room
7:00pm

Members Present: Don Williams, Heather Hanson, Dick Seely, Dave Robbins

Members Absent: Diane Lantz

Staff Present: Brenda Belmonte, Gabriel Holbrow

Guests: Boyd Lamberson, Susan Lamberson, Mike Smith

Minutes
August 23, 2016

**Motion by Seely, seconded by Robbins, to approve the minutes of August 23, 2016,
Discussion; None, Motion Carries 4-0.**

PUBLIC HEARING

**LAMBERSON AREA VARIANCE
36 LEXINGTON RUN
TAX PARCELS # 47.04-2-45 (house) #47.04-2-55.2 (acreage)**

Chair Williams opened the public hearing at 7:00pm noting it had been duly published in the Star Gazette.

Speaking for: Boyd & Susan Lamberson, applicants, 36 Lexington Run spoke in favor of their proposal.

Speaking against: None

Public hearing closed at 7:01pm

**RESOLUTION ZBA-17-2016
LAMBERSON AREA VARIANCE REQUEST GRANTED
36 LEXINGTON RUN**

TAX PARCEL # 47.04-2-45 (house) #47.04-2-55.2 (acreage)

Resolution by: Seely

Seconded by: Robbins

WHEREAS, the Zoning Board of Appeals of the Town of Big Flats received an application July 14, 2016, from Boyd & Susan Lamberson, owners of tax parcels #47.04-2-45 and #47.04-2-55.2, and

WHEREAS, the applicant requests relief from Chapter 17.40.020, *Accessory Structure Requirements*, of the Town of Big Flats Zoning Law; “*an accessory building shall not be located between the front building line of a structure and the front lot line*”; and

WHEREAS, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated July 29, 2016; and

WHEREAS, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

WHEREAS, this board reviewed the following criteria questions:

Criteria Review:

1. Whether an undesirable change will be produced in the character of the neighborhood.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
The area where the garage is proposed is well screened.
2. Whether the benefit sought can be achieved by some other method.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
Building of a bridge would have been too costly an option.
3. Whether the requested area variance is substantial.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
Based on location and zoning, the adjacent 15 acres owned by the applicant and the size of the building.
4. Whether the proposed area variance will have an adverse effect on the neighborhood.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
Stormwater runoff will be to the east in the direction of the home.
5. Whether the alleged difficulty of compliance is self-created.
Williams, Fail; Hanson, Fail; Seely, Fail; Robbins, Fail

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

WHEREAS, this board held a Public Hearing on September 27, 2016, to consider the Area Variance requested by Boyd & Susan Lamberson for relief from BFZL 17.40.020, *Accessory Structure Requirements*.

NOW THEREFORE BE IT RESOLVED, the Zoning Board of Appeals of the Town of Big Flats hereby grants the area variance as submitted.

AYES: Williams, Hanson, Robbins, Seely

NAYS:

ABSTAINED:

Dated: Tuesday, September 27, 2016
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Don Williams, Chairman

RESOLUTION ZBA-18-2016
SMITH AREA VARIANCE PUBLIC HEARING SET
2844 NYS ROUTE 352
TAX PARCEL # 77.00-1-3

Resolution by: Robbins
Seconded by: Seely

WHEREAS, the Zoning Board of Appeals of the Town of Big Flats received an application August 9, 2016, from Michael Smith, 46 Curren Road, owner of tax parcel #77.00-1-3, located at 2844 NYS Route 352, and

WHEREAS, the applicant requests relief from Chapter 17.40.60 of the Town of Big Flats Zoning Law; "*Definition of Lot*"; and

WHEREAS, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

WHEREAS, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated August 29, 2016; and

WHEREAS, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
The area across from Route 352 will remain farmland.
2. Whether the benefit sought can be achieved by some other method.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
Applicant cannot give up current business. No other feasible way to comply with town requirement of five (5) acres.
3. Whether the requested area variance is substantial.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
Not substantial in comparison with the ~200 acres owned by applicant.
4. Whether the proposed variance will have an adverse effect on the neighborhood.
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass
The land will remain vacant farm land.
5. Whether the alleged difficulty of compliance was self-created.
Williams, Fail; Hanson, Fail; Seely, Fail; Robbins, Fail
Most variance requests are self-created.

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

FURTHER RESOLVED, this board shall hold a Public Hearing on October 18, 2016, and consider the Area Variance requested by Michael Smith for relief from BFZL 17.40.60, *Definition of Lot*.

AYES: Williams, Robbins, Seely, Hanson

NAYS:

ABSTAINED:

Dated: Tuesday, September 27, 2016
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats

Don Williams, Chairman

**RESOLUTION ZBA-19-2016
EMHART SIGN AREA VARIANCE PUBLIC HEARING SET
74 KAHLER ROAD NORTH
TAX PARCEL # 57.02-2-12.2**

Resolution by: Robbins
Seconded by: Seely

WHEREAS, the Zoning Board of Appeals of the Town of Big Flats received an application August 24, 2016, from Emhart Glass, 74 Kahler Road North, owner of tax parcel #57.02-2-12.2, and

WHEREAS, the applicant requests relief from Chapter 17.52.50(G) of the Town of Big Flats Zoning Law; "*Sign Requirements for a Business or Industrial Use*"; and

WHEREAS, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

WHEREAS, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated August 30, 2016; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

FURTHER RESOLVED, this board shall hold a Public Hearing on October 18, 2016, and consider the Area Variance requested by Emhart Glass for relief from BFZL 17.52.50(G), *Sign Requirements for a Business or Industrial Use*".

AYES: Williams, Robbins, Seely, Hanson

NAYS:

ABSTAINED:

Dated: Tuesday, September 27, 2016
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Don Williams, Chairman

**Motion to adjourn at 7:45pm by Seely, seconded by Robbins, Discussion; None,
Motion Carries 4-0.**

Adjourned at 7:46pm